

# **ATTACHMENT 8**



United States of America  
FEDERAL TRADE COMMISSION  
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**VIA ELECTRONIC MAIL**

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**RE: *FTC v. Amazon.com, Inc., et al.*, No. 2:23-cv-0932-JHC (W.D. Wash.)**

Dear Counsel:

We are following up on our conference on Thursday, February 8, 2024, during which the parties discussed the data sample Amazon produced on January 19, 2024 at Exhibit A (“Initial Data Sample”), as well as its responses and objections to the FTC’s Document Requests 55, 56, 60, 67, 68, 69, 70, and 73.<sup>1</sup>

Specifically, FTC counsel noted the Initial Data Sample only partially covers some subparts of Document Requests 55 and 56 and does not cover the remaining Document Requests

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<sup>1</sup> The parties also discussed the FTC’s Document Request 57, which we will address separately.

listed above. You explained that, with the exceptions noted below, Amazon will be producing a second data sample covering the remaining Requests and subparts. You said you anticipate producing the second data sample about two weeks from Thursday, February 8, 2024.

As for the exceptions, you noted Amazon was not in a position to address Document Requests 67 and 68 during our call. You also stated Amazon is still investigating whether data responsive to Document Requests 55.o and 55.p exists and is available for production.<sup>2</sup> Please let us know no later than Friday, February 23 how Amazon intends to respond to Requests 67, 68, 55.o, and 55.p.

The parties also discussed the FTC’s request for a data dictionary to understand and evaluate the completeness of Amazon’s Initial Data Sample. You said you anticipate providing a data dictionary after Amazon completes production of all requested data, but you are willing to answer the FTC’s questions about the Initial Data Sample. We provide some of our questions below but note that these are not in lieu of our request for a complete data dictionary and that we may have additional questions after we receive the remaining sample data.

<sup>2</sup> Further, you mentioned that although Amazon will be producing a sample of data responsive to Document Requests 55.m and 55.n in the remaining sample data, the data responsive to these Document Requests is voluminous and the parties should discuss the possibility of random sampling.

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3. [REDACTED]